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10 Attorneys for Defendants
11 CITY OF FREMONT, FREMONT TENNIS CENTER,
JEFF GONCE, JOE GRECH, ANNABELLE HOLLAND
and KELLY KING
12

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 WALTER JEFFERSON,

16 Plaintiff,

17 v.

18 THE CITY OF FREMONT, FREMONT
TENNIS CENTER, JEFF GONCE, JOE
GRECH, ANNABELLE HOLLAND, KELLY
KING and Does 1 through 10, inclusive,
20

Defendants.
21

Case No. 3:12-cv-00926 EMC

**STIPULATION OF COUNSEL AND
[PROPOSED] ORDER TO EXTEND DEADLINE
TO COMPLETE EARLY NEUTRAL
EVALUATION**

Hon. Edward M. Chen

1 Defendants City of Fremont, a municipal public entity on behalf of itself and the Fremont Tennis
 2 Center, Jeff Gonce, Joe Grech, Annabelle Holland, and Kelly King, and Plaintiff Walter Jefferson hereby
 3 submit the following Stipulation and Proposed Order extending time to complete Early Neutral
 4 Evaluation.

5 WHEREAS on October 12, 2012, the parties appeared for hearing on Defendants' Motion to
 6 Dismiss Plaintiff's First Amended Complaint and for case management. The Court denied defendants'
 7 motion to dismiss as moot because plaintiff's counsel told the Court that plaintiff will file a second
 8 amended complaint to address the issues raised in the motion to dismiss. During the case management
 9 conference, Judge Chen agreed with defense counsel that the parties would benefit and it may be a more
 10 efficient use of the Court's time for the parties to conduct early neutral evaluation. It was also suggested
 11 by defense counsel that before ENE took place, plaintiff should provide a list of witnesses and an offer of
 12 proof.

13 WHEREAS the Court then referred the parties to Early Neutral Evaluation to be completed on or
 14 before December 11, 2012;

15 WHEREAS the Court also gave plaintiff ninety (90) days to file an amended complaint, with the
 16 assumption that ENE would be completed before that date. The Court also indicated it would consider a
 17 request to extend time to complete the above schedule given the holiday schedules, travel plans, and
 18 litigation schedules of the parties.

19 WHEREAS on Monday, November 19, 2012, plaintiff provided defendants with an Informal
 20 (Partial) List of Potential Witnesses;

21 WHEREAS the defendants needed more time to review and meet and confer with plaintiff's
 22 counsel on the offer of proof and additional limited necessary discovery so that the ENE would be
 23 worthwhile and productive for all parties;

24 WHEREAS the Court approved the parties' stipulation to extend the deadline to complete the
 25 ENE and the parties agreed to participate in ENE on February 13, 2013.

26 WHEREAS on January 14, 2013, plaintiff's counsel informed defense counsel that new evidence
 27 had come to the attention of plaintiff, which required additional time to investigate in order for plaintiff
 28 to participate in the ENE scheduled for February 13, 2013. The parties and ENE evaluator agreed to

1 schedule the ENE for April 29, 2013 and the Court approved the parties' stipulation to extend the time to
2 complete ENE;

3 WHEREAS on February 8, 2013, plaintiff filed his Second Amended Complaint;

4 WHEREAS on February 28, 2013, the ENE Evaluator notified all parties that she had to be out of
5 town for business on April 29, 2013 and proposed to reschedule the ENE during the week of April 22,
6 2013, but plaintiff's counsel advised that she was in trial that week;

7 WHEREAS all parties and the Evaluator have agreed to reschedule the ENE for June 4, 2013.

8 IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

9 The time to complete Early Neutral Evaluation shall be extended to June 4, 2013.

10 SO STIPULATED.

11 Dated: April 11, 2013

12 BERTRAND, FOX & ELLIOT

13

14 By: /s/

15 Gregory M. Fox
16 Ilana Kohn
17 Attorneys for Defendants
18 CITY OF FREMONT, FREMONT TENNIS
19 CENTER, JEFF GONCE, JOE GRECH,
20 ANNABELLE HOLLAND and KELLY KING

21 Dated: April 11, 2013

22 MORGAN LOGAN LAW GROUP

23

24 By: /s/

25 Angela L. Morgan
26 Attorney for Plaintiff
27 WALTER JEFFERSON

CERTIFICATE OF CONCURRENCE

I, Ilana Kohn, declare:

Pursuant to Local Rule No. 5-1(i)(3) I have obtained the concurrence of all other parties in the filing of this document, which shall serve in lieu of their signatures on the documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed at San Francisco, California, on April 16, 2012.

/S/
ILANA KOHN, Esq.

ORDER

Pursuant to the above Stipulation of the parties by and through their respective counsel of record, it is hereby ORDERED as follows:

1. The time to complete Early Neutral Evaluation shall be extended to June 4, 2013.

IT IS SO ORDERED.

18
Dated: April ___, 2013

